

COPY

May 4, 1956

Elmer T. Bourque  
Assistant Attorney General

Attorney General

Duties of Probation Officers

263

Mr. James J. Barry, Commissioner  
Department of Welfare  
State House Annex  
Concord, New Hampshire

NEW HAMPSHIRE LAW LIBRARY

SEP 22 1988

CONCORD, N.H.

Dear Mr. Barry:

This is in response to your letter of  
April 18 requesting our opinion on the following questions:

- 1/ Whether Municipal Court Probation Officers have a statutory responsibility to collect support contributions when ordered by the Municipal Court;
  - 2/ Whether in the absence of a Municipal Probation Officer the State Probation Department may be designated by the Municipal Court for the collection of payments ordered in non-support cases; and
  - 3/ What happens if the Municipal Court makes no specific designation of who is responsible for collection of support contributions ordered by the Court.
- 1) Yes. We understand that the orders referred to arise out of non-support cases. (RSA 460:23, 26). It is the duty of probation officers "to perform any duties . . . assigned to them by any court" (RSA 504:15 II). The courts have the authority to order that the collection of payments in non-support cases be made by probation officers (RSA 504:16).
  - 2) Yes. RSA 504:15 II requires that probation officers perform duties assigned them by any court.
  - 3) If the court making a support order does not designate a specific agency to make collections the proper procedure is to bring another complaint under RSA 460:23. Such a procedure is contemplated by sections 26 and 27 of chapter 460.

Very truly yours,

Elmer T. Bourque  
Assistant Attorney General

ETB/T